

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5190 of 1995

TO

FIRST APPEAL NO.5416 OF 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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DEPUTY COLLECTOR & LAND

ACQUISITION OFFICER

Versus

BABUBHAI GANDABHAI HEIR OF

BECHAR HARGOVAN

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Appearance:

Mr. M.R. Anand, G.P. with Mr. L.R. Pujari AGP for appellant.

Mr. A.B. Munshi for Mr. A.J. Patel for respondents

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 11/09/96

ORAL JUDGEMENT

1. These appeals are taken up for admission today.  
Mr. A.B. Munshi for Mr. A.J. Patel appears for the respondents in each of the matters and waives service of notice. He has also filed a caveat in all the appeals. These appeals are admitted.

2. By consent and at the joint request of learned

counsel for the respective parties, these appeals are taken up for final hearing today.

3. These appeals have been filed by the State under section 54 of the Land Acquisition Act read with section 96 of CPC, challenging therein the common judgement and awards passed by the District Court under section 18 of the said Act in Reference Nos.1128/88 to 1146/88.

4. As a result of the hearing, discussion on the impugned judgement, and after reference to such documentary evidence as the learned counsel for the respective parties have referred to, certain facts are undisputable.

4.1 The trial court in the impugned judgement has substantially relied upon an earlier decision in a Reference under section 18, which is at Exh.14 on the record of the instant case. In the said decision at Exh.14, the Reference Court had determined the market value of the lands acquired in the adjoining village at Rs.10/- per square meter.

5. Learned counsel for the respondent states at the bar that the said decision in the earlier reference (at Exh.14) was challenged by the State by filing an appeal before this Court, which came to be heard and dismissed on 17th February 1995 (Coram: D.G. Karia J.) in First Appeal Nos.643/95 (and the group).

6. Learned counsel for the appellant-State is unable to dispute this fact, and is also unable to point out any substantial and material difference between the relevant facts and circumstances governed by the said decision at Exh.14, as applicable to the facts and circumstances of the lands covered in the instant group of References.

7. It is also pertinent to note that by the dismissal of the appeals filed by the State against Exh.14, this court confirmed the market value of the relevant lands as determined by Exh.14 i.e. at Rs.10 per square meter. However, in the instant case the Reference Court has determined the market value of the acquired lands, on the basis of all relevant considerations, at Rs.9.85 per square meter.

8. In view of the aforesaid facts learned counsel for the appellant is unable to point out any justification for interference with the impugned judgement and awards.

9. In the premises aforesaid, these appeals are dismissed with no order as to costs.

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